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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,584	02/04/2005	Patrick Dupont	1200.726	1362
7590 12/05/2007 Liniak Berenato Longacre & White Suite 240 6550 Rock Spring Drive Bethesda, MD 20817			EXAMINER LUONG, VINH	
			ART UNIT 3682	PAPER NUMBER
			MAIL DATE 12/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/523,584

Applicant(s)

DUPONT ET AL.

Examiner

Vinh T. Luong

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/2/07; 8/16/07; 2/4/05 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


Vinh T. Luong
Primary Examiner

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Attachment</u> |

1. The amendment filed on October 2, 2007 has been entered.
2. The drawings were received on October 2, 2007. These drawings are not accepted by the Examiner because of the reasons, *inter alia*, listed below:

(a) The amended drawings do not comply with 37 CFR 1.84. A review of Applicant's drawings filed on October 2, 2007 shows that the drawings filed on October 2, 2007 are substantially identical or identical to the drawings filed on August 16, 2007. Therefore, the informalities notified by Form PTO-948 on September 26, 2007 for the drawings filed on August 16, 2007 are similarly applied for the drawings filed on October 2, 2007; and

(b) The amended drawings introduce new matter. See 37 CFR 1.121(f). For example:

(i) The size, shape, dimension, and/or orientation of the spiral with contiguous turns as now shown at 18P in FIG. 1 introduce new matter. The original disclosure does not disclose the size, shape, dimension, and/or orientation of the spiral with continuous turns of wire. The specific showing of the size, shape, dimension, and/or orientation of the spiral with continuous turns of wire within a full spectrum of possible sizes, shapes, dimensions, and/or orientations is considered under the present disclosure to be new matter. *Cf., In re Smith*, 173 U.S.P.Q. 679 (CCPA 1972) and *Ex parte George*, 230 U.S.P.Q. 575, 578 (Bd. Pat. App. & Inter. 1986); and

(ii) Similarly, the size, shape, orientation, and/or location of the fixed support "fs" in FIG. 3 introduce new matter. The original disclosure does not disclose the size, shape, orientation, and/or location of the fixed support. The specific showing of the size, shape, orientation, and/or location of the fixed support within a full spectrum of possible sizes, shapes, orientations, and/or locations of the fixed supports is considered under the present disclosure to

be new matter. In addition, the fixed support as implied in the original disclosure could be secured to two snap-locking tabs 26. See paragraph [0041] of the specification. The concept that the fixed support is secured to only one snap-locking tab 26 as now shown in FIG. 3 is not conveyed in the original disclosure, *i.e.*, new matter. *In re Anderson*, 176 USPQ 331 (CCPA 1973).

3. The *original* drawings are objected to because the drawings are not in compliance with 37 CFR 1.84. For example:

(a) The use of the arrows instead of the lead lines from reference character such as 16 in Fig. 3 is improper since Applicant's arrow is not used to indicate the entire cross section, surface, or direction of movement. See 37 CFR 1.84(r);

(b) The various parts in Fig. 3 should be embraced by a bracket in order to show their relationship. 37 CFR 1.84(h)(1); and

(c) Every line, number, and letter must be durable, clean, black (except for color drawings) sufficiently dense and dark, and uniformly thick and well defined as required by 37 CFR 1.84(l). See, e.g., in Fig. 1, the reference numbers 14, 16P, and 16 are thicker than other numbers.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must

be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. *The objection to the drawings will not be held in abeyance.*

4. The *original* drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed features, such as, the fixed support in Claim 9 and the wire wound into a spiral with contiguous turns in Claim 12 must be shown or the features canceled from the claims. *No new matter should be entered.*

5. The amendment filed October 2, 2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the change of the term "not shown" to "fs" in the amendment in the specification at pages 6, lines 22-27.

The original disclosure does not disclose the size, shape, and/or location of the fixed support. The specific description and showing of the size, shape, and/or location of the fixed support "fs" within a full spectrum of possible sizes, shapes, and/or locations is considered under the present disclosure to be new matter. In addition, the fixed support as implied in the original disclosure could be secured to two snap-locking tabs 26. See paragraph [0041] of the specification. The concept that the fixed support "fs" is secured to only one snap-locking tab 26

as now shown and referred by the specification is not conveyed in the original disclosure, *i.e.*, new matter. *In re Anderson, supra*.

Applicant is required to cancel the new matter in the reply to this Office Action.

6. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter "a weld interface" in Claims 1, 14, and 15. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction is required.

7. Claims 9-11 are objected to because of the following informalities: the claims have typographical error, e.g., "an entension" in Claim 9 should have been changed to "an extension." Appropriate correction is required.

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 1-12, 14, and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear whether a confusing variety of terms, such as, "a jacket" and "side jacket" in Claim 1 refer to the same or different things. Similarly, it is unclear whether the terms "a weld interface" and "fusible ribs" in Claim 4/3/1 and "a weld interface" and "fusible complementary welding shoulders" in Claim 7, *etc.* refer to the same or different things. New Claim 15 implies that the weld interface, the ribs, and the shoulders are the same. See MPEP 608.01(o) and double inclusion in MPEP 2173.05(o).

The term "fusible" in Claims 4-11 is vague and indefinite in the sense that things which may be done are not required to be done. For example, the ribs 32, 34 are fusible but are not

structurally required to be fused. See “discardable” in *Mathis v. Hydro Air Industries*, 1 USPQ2d 1513, 1527 (D.C. Calif. 1986), “crimpable” in *Application of Collier*, 158 USPQ 266 (CCPA 1968), “removable” in *In re Burke Inc.*, 22 USPQ2d 1368, 1372 (D.C. Calif. 1992), and “comparable” in *Ex parte Anderson*, 21 USPQ2d 1241, 1249 (BPAI 1992).

10. Claims 1-11, 14, and 15, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Michel (FR 2 730 772 cited as reference X in Applicant’s PCT Application).

Regarding Claim 1, Michel teaches a control device for a module (unnumbered, shown by dashed line in Fig. 2. See Attachment hereinafter “Att.”) forming a lock mechanism, comprising a cable 6 having two ends, a proximal end (Att.) and a distal end respectively, said cable 6 being housed in a jacket 8 having two ends, a proximal end (8P in Att.) and a distal end (8D in Att.) respectively, which are immobilized by two proximal and distal retaining elements (FIG. 2 in Att.), wherein at least a first end (8P in Att.) of the jacket 8 is connected to a corresponding first retaining element 2 by means of a connecting element 1 attached to the first end of the jacket 8, wherein a weld interface 22 is provided between the connecting element 1 and the first retaining element 2 at a location offset laterally from an axis (III-III in FIG. 2) of side jacket 8. The weld interface 22 is capable of avoiding deformation of the jacket 8 during a welding process.

Claim 1 and other claims below are anticipated by Michel since Michel teaches each positively claimed element in the claim. It is well settled that the determination of patentability is based on the product itself, not by its method of production. *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985), *SmithKline Beecham Corp. v. Apotex Corp.*, 78 USPQ2d 1097 (Fed. Cir. 2006),

and MPEP 2113. Therefore, the recitation “to avoid deformation of the jacket (18) *during a welding process*” is not accorded patentable weight in Applicant’s product-by-process claims.

Regarding Claim 2, the connecting element 1 is overmolded or capable of being overmolded on the first end of the jacket 8 as seen in Figs. 1 and 8. Referring the control device to the process of overmolding is not accorded patentable weight. *In re Thorpe, SmithKline Beecham Corp. v. Apotex Corp.*, and MPEP 2113, *supra*.

Regarding Claim 3, the connecting element 1 is capable of being ultrasonically welded to the first retaining element 2. Note that the determination of patentability is based on the product itself, not by its method of production. *In re Thorpe, SmithKline Beecham Corp. v. Apotex Corp.*, and MPEP 2113 *supra*.

Regarding Claim 4, the connecting element 1 and the first retaining element 2 comprise complementary welding faces 24 and 22, each provided with fusible ribs 25 and 22, the ribs 25 borne by the welding face 24 of the connecting element 1 being substantially perpendicular to the ribs 22 borne by the welding face 22 of the first retaining element 2.

Regarding Claim 5, the complementary welding faces 24 and 22 are provided on complementary interlocking parts 24 and 22 of the connecting element 1 and the first retaining element 2.

Regarding Claim 6, the interlocking part 24 of the first retaining element 2 forms a longitudinal channel 18 (Fig. 5) for the interlocking of the connecting element 1, the welding face 22 of the first retaining element 2 forming a base of the channel 18, the fusible ribs 22 of the first retaining element 2 extending longitudinally.

Regarding Claim 7, the complementary interlocking parts 24 and 22 of the connecting element 1 and of the first retaining element 2 comprise fusible complementary welding shoulders 28 and 20 (Fig. 9).

Regarding Claim 8, the first retaining element 2 contains two fusible ribs 22 extending longitudinally on either side of the jacket 8 and two fusible welding shoulders 20 extending longitudinally on either side of the jacket 8, the fusible ribs 22 and the fusible welding shoulders 20 of the first retaining element 2 thus being offset laterally with respect to the axis (III-III in FIG. 2) of the jacket 8 as seen in FIGS. 4, 6, and 10.

Regarding Claim 9, the interlocking part 22 of the first retaining element 2 includes an extension in the form of a shell 12 provided with means 16 for securing said first retaining element 22 to a fixed support (not shown).

Regarding Claim 10, the first end of the jacket 8 is its proximal end (8P in Att.).

Regarding Claim 11, the proximal end (8P in Att.) of the cable 6 is provided with a block 7 (Fig. 8) for securing this cable 6, the shell 12 forming a housing for the securing block 7.

Regarding Claim 14, said weld interface 22 is disposed within an enclosed space defined between the connecting element 1 and the first retaining element 2 as seen in FIGS. 4, 10, and 9.

Regarding Claim 15, said weld interface 22 comprises ribs 22 extending longitudinally on either side of the jacket 8 (FIG. 4) and two welding shoulders 28 and 20 (FIG. 9) extending longitudinally on either side of the jacket 8.

11. Claims 1-11, 14, and 15, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Michel.

Regarding Claims 1, 3-11, 14, and 15, Michel teaches the invention substantially as claimed. See the rejection under 35 USC 102(b) above. However, Michel does not teach the process of welding including ultrasonically welding of the connecting element 1 to the first retaining element 2.

It is common knowledge in the art to use welding including ultrasonically welding in order to connect Michel's connecting element 1 to the first retaining element 2 for reducing the cost of manufacturing. The welding including ultrasonically welding is notoriously well known as evidenced by the art cited (*e.g.*, see col. 2, line 44+ of US Patent No. 4,321,840 issued to Kalamon, abstract of US Patent No. 6,884,941 B2 issued to Birt, abstract of WO 99/10660, and English abstract of JP 56-70119). See also *In re Thorpe*, *SmithKline Beecham Corp. v. Apotex Corp.*, and MPEP 2113 *supra*.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use welding including ultrasonically welding in order to connect Michel's connecting element 1 to Michel's first retaining element 2 for reducing the cost of manufacturing as taught or suggested by common knowledge in the art.

The making of Michel's control device by well known technique of welding would not have been uniquely challenging to a person of ordinary skill in the art because it is no more than "the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for the improvement." *KSR Int'l. Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007).

Regarding Claim 2, Michel teaches the invention substantially as claimed. However, Michel does not teach the process of over-molding of the connecting element 1 on the first end of the jacket 8.

It is common knowledge in the art to overmold Michel's connecting element 1 on the first end of Michel's jacket 8 in order to reduce the cost of manufacturing. The overmolding is notoriously well known as evidenced by the art cited (e.g., see col. 2, line 44+ of US Patent No. 4,321,840 issued to Kalamon, abstract of US Patent No. 6,540,427 B2 issued to Scheidling et al., abstract of EP 1 074 752 A1, and abstract of EP 0 451 411 A1). See also *In re Thorpe*, *SmithKline Beecham Corp. v. Apotex Corp.*, and MPEP 2113 *supra*.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to over-mold Michel's connecting element 1 on the first end of Michel's jacket 8 in order to reduce the cost of manufacturing as taught or suggested by common knowledge in the art. *KSR, supra*.

12. Claim 12, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable Michel in view of Guidicelli (FR 2 526 506 cited in Applicant's PCT Application).

Michel teaches the invention substantially as claimed. However, Michel does not teach to form the jacket 8 defined by at least one spiral-wound wire with contiguous turns.

Guidicelli teaches to form the jacket by at least one spiral-wound wire 7 with contiguous turns in order to reduce the cost of manufacturing. See *In re Thorpe*, *SmithKline Beecham Corp. v. Apotex Corp.*, and MPEP 2113 *supra*. In addition, Applicant admitted that the wound wire jacket is well known as seen in the remarks of the Amendment filed on October 2, 2007. See *In re Nomiya*, 509 F.2d 566, 184 USPQ 607 (CCPA 1975) and MPEP 2129.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to form Michel's jacket by at least one spiral-wound wire with contiguous turns in order to reduce the cost of manufacturing as taught or suggested by Guidicelli.

The making of Michel's jacket by at least spiral wound wire as taught by Guidicelli would not have been uniquely challenging to a person of ordinary skill in the art because it is no more than "the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for the improvement." *KSR, supra*.

13. Applicant's arguments filed October 2, 2007 have been fully considered but they are not persuasive.

DRAWINGS

Applicant contended that Applicant has amended FIGS. 1 and 3 to illustrate the subject matter of original Claims 9 and 12 and no new matter has been entered.

The Examiner respectfully submits that amended FIGS. 1 and 3 introduce new matter as set forth above.

35 USC 112, FIRST PARAGRAPH

The rejection under 35 USC 112, first paragraph, is withdrawn in view of Applicant's admission that the wound wire jacket is well known. See *In re Nomiya* and MPEP 2129, *supra*.

35 USC 112, SECOND PARAGRAPH

The current claims do not conform to the requirement of 35 USC 112 as seen above.

ART REJECTION

Applicant stated:

Applicant has amended independent claim 1 to recite an arrangement where *welding is employed* to connect the connecting element (22) and the first retaining element (20P) at locations offset laterally from an axis of side jacket (18). As discussed at page 7, line 27 through page 8, line 9 as well as page 8 line, 29 through page 9, line 3 the arrangement and location of the fusible ribs 32, 34 and *fusible shoulders 36, 38 permit the use of ultrasonic welding techniques with negatively impacting the jacket 18. Indeed, the structural arrangement of the ribs 32, 34 and shoulders 36, 38 avoids deformation of the jacket (18) during a welding process.*

While the examiner has made the unsupported assertion that ultrasonic welding would have been obvious to one of skill, *the examiner has not identified any art that provides the structural arrangement of the present invention whereby the connecting element (22) and the first retaining element (20P) at locations offset laterally from an axis of side jacket (18).*

Thus, the prior art fails to teach or render obvious the structural arrangement of amended claim 1. (Emphasis added).

First, Applicant's reliance on the process of welding in the instant product-by-process is not persuasive. As noted, the determination of patentability is based on the product itself, not by its method of production. *In re Thorpe, SmithKline Beecham Corp. v. Apotex Corp.*, and MPEP 2113, *supra*.

Second, the "wherein" or "whereby" clause that merely states the inherent results of limitations in the claim adds nothing to the claim's patentability or substance. *Texas Instruments Inc. v. International Trade Commission*, 26 USPQ2d 1018 (Fed. Cir. 1993); *Griffin v. Bertina*, 62 USPQ2d 1431 (Fed. Cir. 2002); and *Amazon.com Inc. v. Barnesandnoble.com Inc.*, 57 USPQ2d 1747 (Fed. Cir. 2001). Therefore, the recitation, such as, "to avoid deformation of the jacket (18) during a welding process" adds nothing to the claim's patentability.

Third, the Examiner had cited, *e.g.*, col. 2, line 44+ of US Patent No. 4,321,840 issued to Kalamon, abstract of US Patent No. 6,884,941 B2 issued to Birt, abstract of WO 99/10660, and English abstract of JP 56-70119 in the first Office action on February 8, 2007 to show that the welding is indeed notoriously well known in order to support the above assertion.

Fourth, Applicant's statement that "the examiner has not identified any art that provides the structural arrangement of the present invention whereby the connecting element (22) and the first retaining element (20P) at locations offset laterally from an axis of side jacket (18)" is likewise unsupported by substantial evidence in the record.

On the one hand, Applicant's new term "a weld interface" lacks antecedent support in the specification. The Examiner respectfully submits that MPEP § 608.01(o) states:

New claims and amendments to the claims already in the application should be scrutinized not only for new matter but also for new terminology. *While an applicant is not limited to the nomenclature used in the application as filed, he or she should make appropriate amendment of the specification whenever this nomenclature is departed from by amendment of the claims so as to have clear support or antecedent basis in the specification for the new terms appearing in the claims.* This is necessary in order to insure certainty in construing the claims in the light of the specification, *Ex parte Kotler*, 1901 C.D. 62, 95 O.G. 2684 (Comm'r Pat. 1901). See 37 CFR 1.75, MPEP § 608.01(i) and § 1302.01. Note that examiners should ensure that the terms and phrases used in claims presented late in prosecution of the application (including claims amended via an examiner's amendment) find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description, see 37 CFR 1.75(d)(1). (Emphasis added).

Since Applicant's specification does not provide support for the term "a weld interface," the Examiner could not construct the meaning of the term "a weld interface" in view of the

specification as mandated by *Phillips v. AWH Corp.*, 415 F.3d 1303, 1320 (Fed. Cir. 2005) *en banc* and MPEP §§ 2111 and 608.01(o) *supra*. Therefore, Examiner had to rely on Applicant's new Claim 15 wherein Applicant recites the weld interface comprising the ribs 34 and the shoulder 38 in order to construct the meaning of the term "a weld interface" in Claim 1.

On the other hand, a review of the prosecution history shows that original Claims 4 and 7 call for the ribs 34 and the shoulder 38. In the first Office action, the Examiner identified Michel's ribs 22 and shoulders 20, 28 in the rejection of Claims 4 and 7. In other words, the Examiner has previously identified the ribs 22 and shoulders 20, 28 in prior art Michel as the elements that provide the structural arrangement of the present invention whereby the connecting element 1 and the first retaining element 2 at locations offset laterally from an axis III-III of side jacket 8 as claimed.

Thus, Michel teaches or renders obvious the structural arrangement of amended Claim 1 as seen in the rejections above. See *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (2007); *Ex parte Smith*, 83 USPQ2d 1509 (BPAI 2007); *Ex parte Catan*, 83 USPQ2d 1569 (BPAI 2007); and *Ex parte Kubin*, 83 USPQ2d 1410 (BPAI 2007).

CONCLUSION

For the foregoing, Applicant's solicitation to allow the instant case is respectfully declined.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

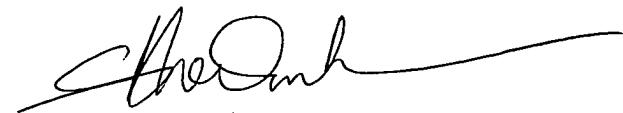
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinh T. Luong whose telephone number is 571-272-7109. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Luong

December 3, 2007



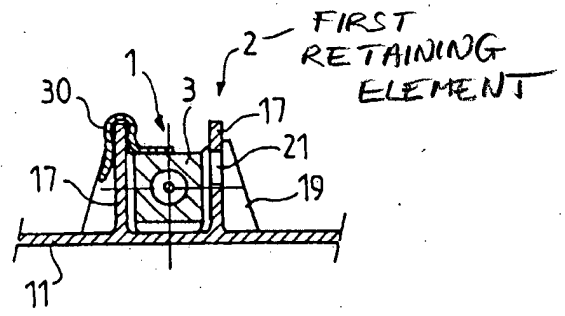
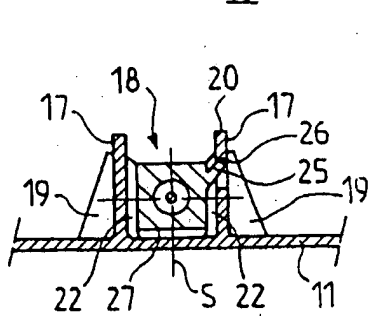
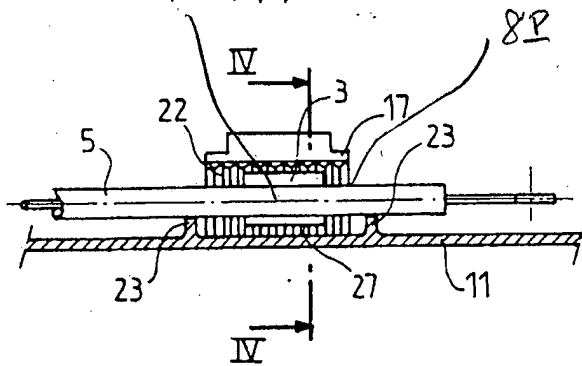
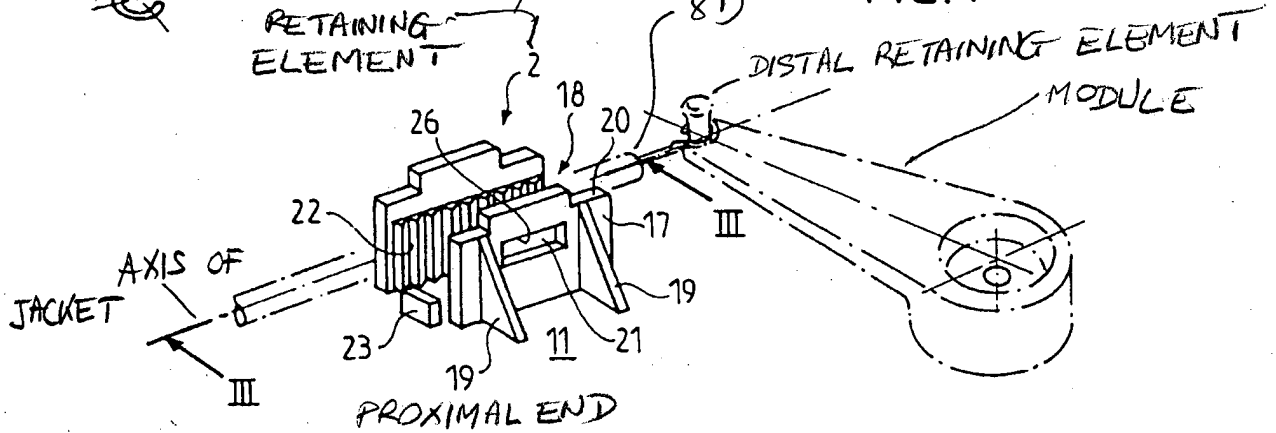
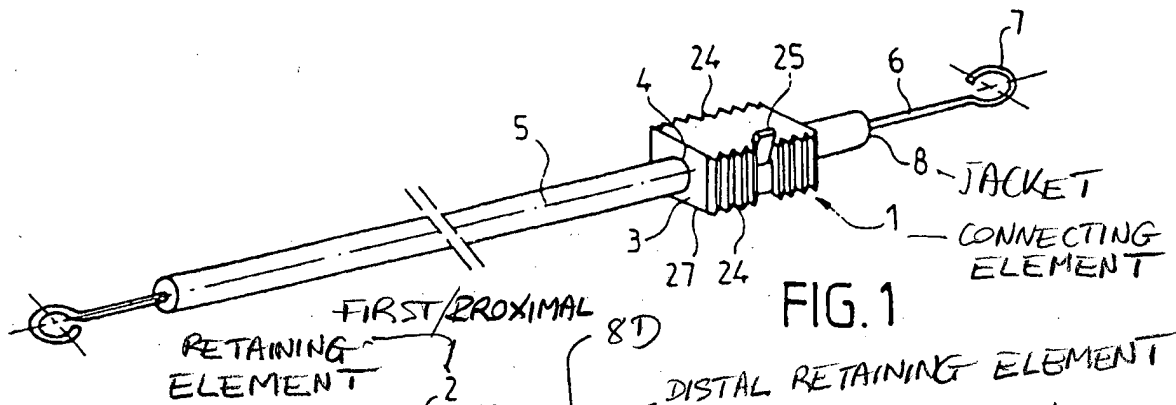
Vinh T. Luong
Primary Examiner

Application/Control Number:
10/523,584
Art Unit: 3682

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ATTACHMENT

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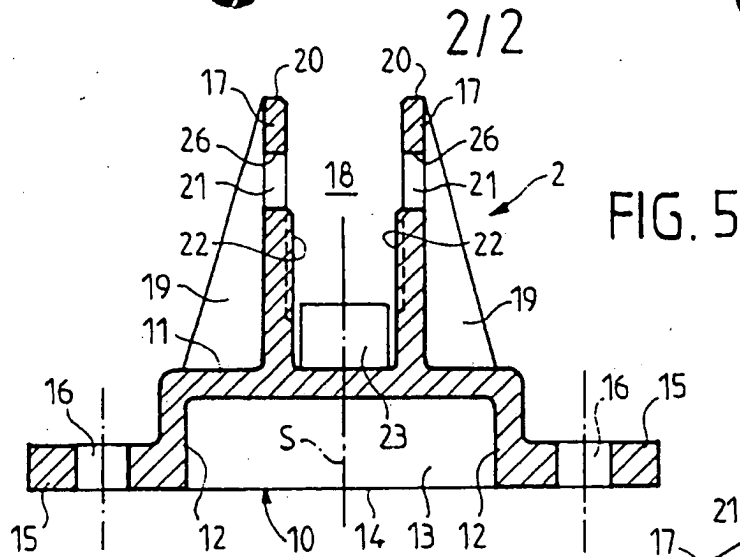


FIG. 5

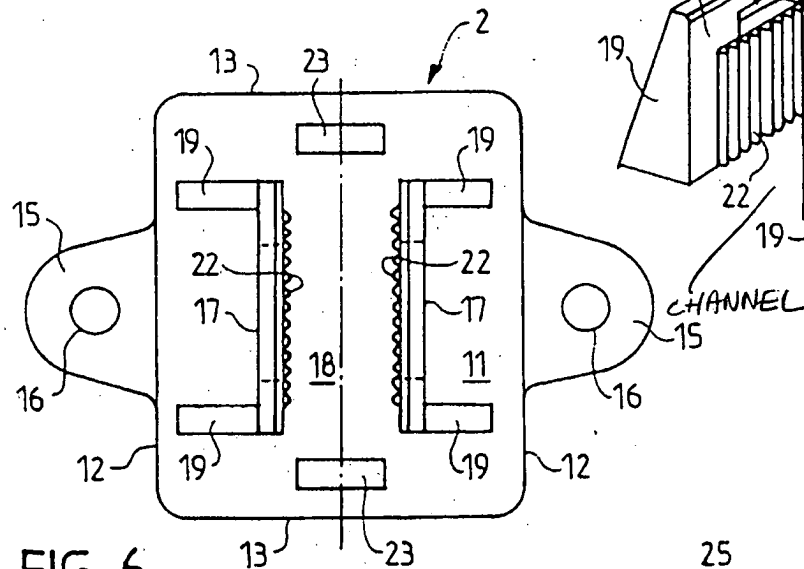


FIG. 6

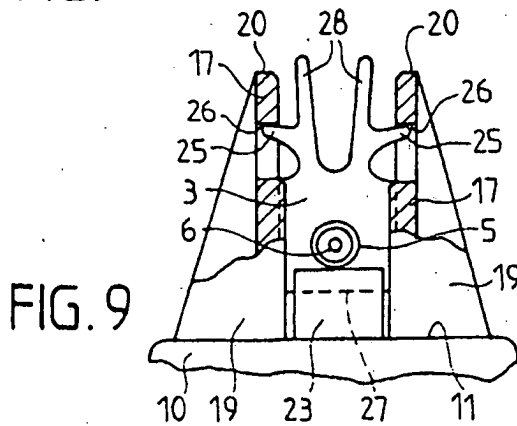


FIG. 9

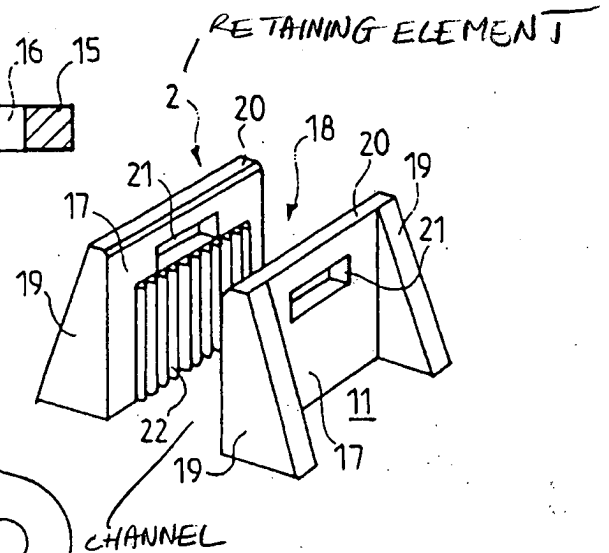


FIG. 7

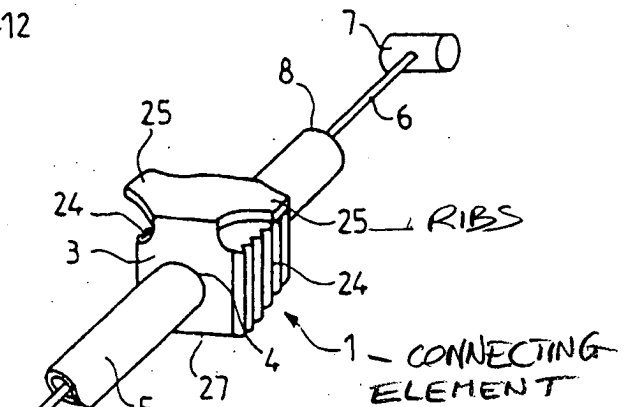


FIG. 8